

MEMORANDUM

DATE: February 13, 2007

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Daniese McMullin-Powell
Chairperson
State Council for Persons with Disabilities

RE: S.B. 11 [Delaware Prescription Drug Payment Assistance Program]

The State Council for Persons with Disabilities (SCPD) has reviewed S.B. 11 regarding the Delaware Prescription Assistance Program (DPAP). The current statute requires applicants to enroll in Medicare Part D before they are eligible to receive DPAP benefits. The proposed legislation would provide an exception and additional opportunity for new DPAP applicants to obtain prescription drug coverage through DPAP while the applicant pursues Medicare Part D enrollment. Consistent with the attachments, HHS has established a Special Enrollment Period (SEP) available under a variety of circumstances outlined in the attached HHS chart published in January, 2007. See also attached January 3, 2007 HHS notice indicating that an enrollment request under the SEP would “take effect on the first day of the month after the enrollment election is made.” The bottom line is that there are persons who have an extended “window” to apply for Medicare D or who have applied for Medicare D but whose enrollment is not yet effective. The proposed legislation would offer DPAP eligibility to such persons.

In addition, the bill would eliminate a prerequisite that applicants be ineligible for Nemours Health Clinic Pharmaceutical benefits since this program no longer exists.

SCPD endorses S.B. 11 since it would expand eligibility to a program which is beneficial to persons with disabilities and enhance access to medically necessary prescriptions.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position on the proposed legislation.

cc: The Honorable Ruth Ann Minner
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

